

FILED  
UNITED STATES DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MAY 15 2003

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

RAMON ARAGON, *et al.*,  
Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM  
Cañones Creek, Section 7  
Subfile No.: CHCC-004-0013

*Ram M. March*  
CLERK

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

ELVIRIA S. ABETYTA  
JOSE M. ABETYTA

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Cañones Creek, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Cañones Creek, Section 7, is set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** 02566 and 966

**Priority:** Reserved for future determination by court order entered November 26, 2001.

**Source of Water:** Surface water of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** BARRANCO DITCH

**Location X:** 1,544,827 feet **Y:** 2,109,686 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant	11.1 acres
Total	11.1 acres

As shown on the 2000 Hydrographic Survey Map CHCC- 4.

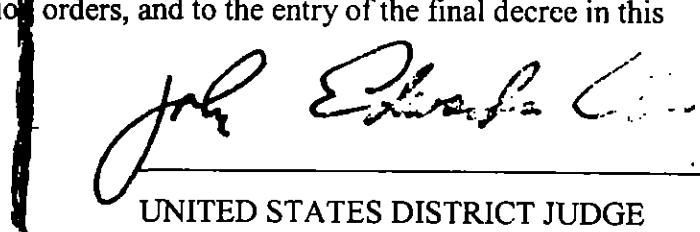
**Amount of Water:** Reserved for future determination by court order entered November 26, 2001.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Cañones Creek, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Cañones Creek, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Cañones Creek, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Cañones Creek, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



John E. Elmore, Jr.

UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Babine  
SPECIAL MASTER

ACCEPTED: <u>Elvira S. Abeyta</u>	ACCEPTED: <u>Jose M. Abeyta</u>
ELVIRIA S. ABETYTA	JOSE M. ABETYTA
ADDRESS: <u>P.O. Box 102</u>	ADDRESS: <u>P.O. Box 102</u>
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DATE: <u>4-21-03</u>	DATE: <u>4-21-03</u>

Edward G. Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

4.21.03  
Date

RECD REC'D